

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

AMIN KHOURY,

Defendant

Case No. 20-cr-10177-PBS

**DEFENDANT AMIN KHOURY’S MOTION IN LIMINE TO PRECLUDE
ADMISSION OF ALLEGED CO-CONSPIRATOR STATEMENTS**

Pursuant to this Court’s Scheduling Order, and Federal Rules of Evidence 801(d)(2)(E) and 403, and the Sixth Amendment to the United States Constitution, Defendant Amin Khoury moves for an order precluding a government witness, “Tennis Recruiter” from testifying at trial about an out-of-court statement allegedly made to him by Gordon Ernst, a defendant in a separate case who will not be testifying at Mr. Khoury’s trial. *See generally United States v. Petrozziello*, 548 F.2d 20 (1st Cir. 1977). Because there is no evidence that would support admission of the out-of-court statement under Rule 801(d)(2)(E) or under any other rule, Mr. Khoury respectfully submits that a pretrial determination of admissibility is prudent under the circumstances of this case, as more fully described in the accompanying memorandum of law.

Respectfully submitted,

AMIN KHOURY

By his attorneys,

/s/ Eóin P. Beirne

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Dated: March 25, 2022

CERTIFICATE OF SERVICE

I, Eóin P. Beirne, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on March 25, 2022.

/s/ Eóin P. Beirne

Eóin P. Beirne